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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : WELSH et al.
SERIAL NO : 10/766,506
FILED : January 28, 2004
TITLE : USE OF XYLITOL TO REDUCE IONIC STRENGTH AND ACTIVATE
ENDOGENOUS ANTIMICROBIALS FOR PREVENTION AND
TREATMENT OF INFECTIONS

Grp./A.U. : 1614
Examiner : DELACROIX Muirhel, Cybille
Conf. No. : 3490
Docket No. : P04385US02

AMENDMENT AFTER FINAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the Final Office Action dated June 16, 2005, please amend the above-
identified application as follows:

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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Edmund J. Sease

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delivered as solutions to ... the vagina.... In such applications, xylitol could yield additive or synergistic effects of the activity of pharmaceutical antibiotics with the endogenous antimicrobials."

In contrast, WO '922 teaches the use of a composition containing xylitol for "the treatment or prophylaxis of mucosal yeast infection in mammals", as well as the simultaneous administration of antifungal drugs. WO '922, at page 4, fourth paragraph. Thus, WO '922 does not teach or suggest each element of independent claim 9 or dependent claim 10 because WO '922 teaches applying a composition including xylitol and optionally antifungals for the treatment of oral or vaginal yeast infections, rather than a composition comprising an antibiotic and an effective amount of a non-ionic osmolyte for treatment of bacterial infections. Therefore, Applicants request that the rejection to claims 9-10 under 35 U.S.C. §102(a) be withdrawn and reconsidered.

V. Conclusion

Please consider this a three-month extension of time from September 16, 2005 to December 16, 2005 and charge Deposit Account No. 26-0084 the amount of \$510.00 for this extension. No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

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Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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